

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA

CASE NO. C12-1282JLR

Plaintiff,

**MEMORANDUM SUBMITTING  
REVISIONS TO CERTAIN  
MONITORING PLAN  
DEADLINES**

CITY OF SEATTLE,

Defendant.

Pursuant to ¶ 183 of the Settlement Agreement and Order of Resolution (“Consent Decree”), it is the responsibility of the Monitor to submit to the Court, with the Parties’ approval, a Monitoring Plan “setting out deadlines for policy, training . . . and . . . for conducting the compliance reviews and audits [in] this matter.” Dkt. No. 3-1 ¶ 183.

This Court approved the Fourth-Year Monitoring Plan in July 2015, covering the eight-month period between May 2016 and December 2016. Dkt. No. 298; Dkt. 294-1. The Fourth Year Monitoring Plan laid out the following categories of tasks: policy development and review; continuation of the training programs; discrete reporting obligations related to the “structures of critical self-analysis;” and the timeframes and steps for the remaining systemic assessments, as well as deadlines for developing plans for the next half of the Fourth Year. *See* Dkt. 294-1.

1 The Monitoring Team and Parties have continued to work diligently and collaboratively  
2 on all of these various tasks. Truly, the reform process is firing at all cylinders.

3           The Monitoring Team and Parties do not expect to request any extensions of deadlines  
4 related to policy development and review or, with one exception below, to the continuation of  
5 the training programs, or to the reporting obligations. However, the Monitor and the Parties  
6 hereby request that the Court extend the following deadlines related for three of the five  
7 remaining systemic assessments, as various technological and logistical challenges have delayed  
8 completion of some of the tasks underlying the assessments:

### (a) Use of Force

The Use of Force assessment will evaluate the status of the Department's compliance with paragraphs 71 through 91, 93, 95, 97, 98, and 99 of the Consent Decree. It has entailed a robust quantitative analysis and review of force cases. It also involved a qualitative, in-depth review of a statistically significant sample of force incidents. The Monitoring Team has considered both quantitative and qualitative determinations in light of overall officer activity and productivity in order to provide the general policing context in which the force trends summarized were occurring. Although the quantitative and qualitative elements were originally contemplated as separate assessments, the Parties, SPD, and Monitor have agreed that a report on force generally that covers both aggregate trends and specific cases will be more comprehensive, accurate, and useful. Consequently, the Monitor and Parties request a 30 day extension of time to file the Use of Force assessment, *i.e.*, by October 15, 2016.

**(b) Early Intervention System (“EIS”)**

22 The EIS assessment relates to SPD's compliance with Consent Decree provisions 157  
23 through 163. The Parties and Monitoring Team have received all or nearly all relevant  
24 information, paperwork, and files to conduct the investigation. The Monitor and Parties request  
25 a six-week extension of time to file the EIS assessment, *i.e.*, by October 30, 2016.

### (c) Type II Investigations Re-assessment

The Monitoring Team will be re-assessing the quality of SPD's chain of command investigations and reviews of Type II force incidents. The First Systemic Assessment found that SPD still needed to make progress in the area. Dkt. 231. This re-assessment, using a substantially similar methodology to the initial evaluation, will consider whether SPD's performance has improved and/or come into compliance in the area since December 31, 2014. The Monitoring Team's work on this assessment is well underway, and, if approved by the Court, the Monitor will file a report on its findings with the Court by October 30, 2016.

**(d) Bias Policing Training**

The City has committed to providing bias training in 2016. Dkt. 294-1 at 10. The deadline for this training to complete is currently November 2016. *Id.* The Seattle Police Department has been working with the Community Police Commission and Seattle Office of Civil Rights in developing this training for its commanders. The Parties would benefit from additional time to complete the development of this training. Nonetheless, the City anticipates completing this training by year's end, and the Parties and the Monitor request an extension until December 31, 2016 to complete that important training.

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Although the Monitor is mindful of needing to complete these tasks, and reporting to the Court on the Seattle Police Department's current status of progress on these areas, in an expeditious manner, the Parties and Monitor are also mindful that extending such deadlines could improve their quality and thus increase public confidence in those tasks.

Accordingly, the Parties and Monitor asks that the deadlines be extended as described above.

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1 DATED this 15th day of September, 2016.  
2 *M. Bobb*  
3 Merrick J. Bobb, Monitor  
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MEMORANDUM SUBMITTING REVISIONS TO CERTAIN  
MONITORING PLAN DEADLINES - 4  
Case No. C12-1282JLR

Merrick J. Bobb, Monitor  
Police Assessment Resource Center  
PO Box 27445  
Los Angeles, CA 90027  
(213) 623-5757

## **CERTIFICATE OF SERVICE**

I certify that on the 15th day of September, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following attorneys of record:

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DATED this 15th day of September 2016.

/s/ Jackie Slavik  
Jackie Slavik

MEMORANDUM SUBMITTING REVISIONS TO CERTAIN  
MONITORING PLAN DEADLINES - 5  
Case No. C12-1282JLR

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**[PROPOSED] ORDER**

The Court hereby approves revising the deadline as described above.

DONE IN OPEN COURT this 17<sup>th</sup> day of September, 2016,

THE HON. JAMES L. ROBART  
UNITED STATES DISTRICT COURT JUDGE

MEMORANDUM SUBMITTING REVISIONS TO CERTAIN  
MONITORING PLAN DEADLINES - 6  
Case No. C12-1282JLR

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